

Jackson Creeley, you plead guilty to dangerous driving. I also agreed to sentence you on your plea of guilty to the summary charges of motor vehicle stealing, dishonestly displaying a false plate, driving while driver licence is suspended and possessing a firearm without a licence.

At about 4.30 am on 12 March 2023 you were seen by the police driving a four wheel drive utility at about 80 kph on Normanstone Road in South Launceston where the speed limit is 50 kph. Your only driver licence was a learner licence which had been suspended months earlier. The vehicle you were driving had been stolen from Longford about a week before and registration plates from another stolen vehicle were fixed to it.

The police activated the lights and sirens on the police car indicating to you to pull over but you did not. Instead, you drove through the red light at the intersection of Normanstone Road and Wellington Street. The police stopped chasing you but drove behind at a distance and saw that you turned into Lawrence Vale Road on the incorrect side of the road. You turned on a rear facing spotlight to make it difficult for the driver of any vehicle behind you to see. You drove to Talbot Road and then into Wentworth Street before turning into Junction Street, which is a dead end. Seeing that you had done this the police pulled over to wait and watch you. You reversed rapidly towards them such that the police vehicle had to be driven over the curb on the wrong side of the road to avoid a collision. You then drove around the residential part of Newstead for about 10 minutes, marginally above the 50 kph speed limit, until you reached High Street and then accelerated to about 100 kph and activating the rear spotlight again. You continued to drive around Newstead, turning the spotlight on and off, ultimately getting back to Wentworth Street where the police had prepared road spikes at the intersection with High Street in an attempt to stop you. When you saw them you drove towards the police officer on the side of the road in a threatening manner before slamming on the brakes to avoid the spikes. You then reversed rapidly, crashing into the police car approaching from the rear. Your male passenger got out of your vehicle and ran off. You again accelerated forward, stopped and then reversed dangerously past a police car, narrowly missing a police officer crossing the road after your passenger. You were eventually apprehended when you reversed the car over the edge of Wentworth Street causing it to flip and land on its side. By then you were the only occupant. The police found a taser inside the car which was a firearm for which you had no licence.

At the time of this crime you were on bail for other offences including abusing, resisting and assaulting police on 31 October 2021 and motor vehicle stealing on 21 December 2022. You failed to appear in court on 1 March 2023 and so you were subject to a warrant for your arrest. Even after you were arrested and bailed you committed other offences including driving unaccompanied only 10 days later and breaching bail by driving again on 14 June 2023.

For at least ten years there has been a general upward trend in the severity of sentences for serious driving offences. That increase reflects an increasing concern on the part of the community, the Parliament and the courts for dangerous driving behaviour. The dominant sentencing aims are generally general and specific deterrence, punishment, denunciation and protection of the public. You are now aged 21, although you were 19 when this crime was committed. The principles which apply to young offenders apply to you and the prospect of your rehabilitation is an important consideration. However it is to be qualified by two significant factors. This crime is commonly committed by young men, and it is necessary to make clear to you and others who might be inclined to act as you did what the consequences will be in the hope it may stop

something which is so dangerous to the public from happening. Your entitlement to lenience is also qualified by your record. In November 2020 you were fined and disqualified for evading police, reprimanded for driving without due care and attention and made subject to a youth justice probation order for demanding property with menaces. On 25 March 2021 you were fined but not convicted on a series of anti-social offences including abusing police and two counts of resisting police.

You were engaged in a prolonged course of driving when you should not have been driving at all. You had plenty of chances to stop but you put your self-interest ahead of the safety of the public and the police. Your use of the spotlight to attempt to dazzle the drivers behind you added to the danger and emphasised your disregard for their safety. I accept that you drove at a time when the roads were not likely to be busy, but there was still a prospect of other vehicle and pedestrian traffic, particularly on the busier roads like High Street. There were at least two instances of real danger to the police officers who were attempting to stop you. You put your passenger at risk. You were charged with evading police, but the prosecution did not proceed with that count. Nevertheless, the fact that you were driving to avoid apprehension aggravates the dangerous driving charge because it added the factor of desperation to your driving and decision-making. All of your conduct displayed a contempt for the law and for the authority of the police. I will make compensation orders concerning the damage you did to the stolen car and the police car but it is unlikely that you will be able to pay for the damage, at least for a long time.

Having said all of that there are some things in your favour. You pleaded guilty and there are signs of reform. After leaving school in grade 8 you were affected by use of illicit drugs, unemployment, homelessness and lack of family support. Since then your circumstances have improved. You have removed yourself from criminal associates, found stable accommodation, reconnected with your family and commenced employment with a ceramics firm. A reference from your employer describes that you have been hardworking and have made a genuine attempt to turn your life around. A formal apprenticeship is available to you depending on the outcome of these proceedings. As to the circumstances of your driving, you say that the stolen car was given to you by an associate with the false plates already affixed. When the police signalled for you to pull you over you panicked. Once you decided to keep driving your judgment became even more clouded and you did not think that you could pull over. You did not intend to deliberately drive at any police officer but the driving which put those officers at risk was part of your reckless attempts to avoid apprehension.

As your counsel correctly points out there have been some recent cases of driving like this which have not resulted in actual imprisonment. I think the community would benefit if the corrupting influence of prison can be avoided in your case. Sentencing was delayed to enable suitable premises for home detention to be organised. I am satisfied that this is the appropriate sentence in your case.

Jackson Creeley, you are convicted on the indictment and on complaint 31410/23 counts 3, 4, 5 and 9. I make compensation orders in favour of Lindsay Farming Pty Ltd and Tasmania Police in amounts to be assessed. I order that the taser seized by the police be forfeited to the Crown. On count 9 on the complaint, that is related to the taser, I make no other order. On the indictment and on the remaining counts on the complaint I impose one sentence. You are disqualified from driving for two years. Any driver licence you have is cancelled. I make a home detention order. The operative period of the order is nine months from today. I specify the premises at which you are to reside during the operational period of the order as [home detention premises] or such

other addresses as may be approved by a probation officer. I order that on or before 5.00pm on Monday 24 November 2025 you report to the office of Community Corrections at 111 Cameron Street Launceston, for induction into this order, and a further explanation as to its full terms.

There will be conditions that during the operational period of the order:

- (a) you must not commit an offence that is punishable by imprisonment;
- (b) you must reside at the home detention premises;
- (c) you must be at the home detention premises at all times unless:
  - (i) you are travelling to or from, or are at, premises at which you are seeking urgent medical treatment or dental treatment; or
  - (ii) because it is necessary to not be on the premises in order to avoid, or minimise a serious risk of, the death of, or injury to, you or another person; or
  - (iii) with the approval, of a probation officer or prescribed officer, given –
    - so as to enable you to comply with a special condition; or
    - so as to enable you to seek or engage in employment; or
    - so as to enable you to attend an educational or training course or activity; or
    - so as to enable you to attend a rehabilitative or re-integrative activity or program; or
    - so as to enable you to attend a court; or
    - for any other purpose approved by the probation officer or prescribed officer.
- (d) you must permit a police officer, probation officer or prescribed officer to enter the home detention premises;
- (e) you must permit a police officer to –
  - (i) conduct a search of the home detention premises; and
  - (ii) conduct a frisk search, within the meaning of the *Search Warrants Act 1997*, of you, at the home detention premises or at any other place or premises; and
  - (iii) take a sample of a substance found on the home detention premises or on your person;
- (f) you must comply with any reasonable and lawful directions of a probation officer or prescribed officer, including any directions as to the kind of employment, or the place of employment, of you;
- (g) you must submit to electronic monitoring, including by wearing or carrying an electronic device and:
  - (i) you must not, nor permit another person to, tamper with, damage or disable any device used for the purpose of the electronic monitoring; and
  - (ii) you must comply with all reasonable and lawful directions given to you in relation to the electronic monitoring including in relation to the installation, attachment or operation of a device or system used for the purpose of electronic monitoring by a police officer, a probation officer or prescribed officer or another person whose functions involve the installation or operation of a device or system used for the purposes of electronic monitoring;
- (h) you must, if directed by a probation officer or prescribed officer engage in a personal development activity, counselling, or treatment, engage in the activity, counselling or treatment in accordance with any directions given by the probation officer or prescribed officer;
- (i) you must submit to the supervision of a Community Corrections officer as required by that officer;
- (j) you must not take any illicit or prohibited substances. Illicit and prohibited substances include any controlled drug as defined by the *Misuse of Drugs Act 2001*, and any medication containing an opiate, benzodiazepine, bupropion, hydrochloride or pseudoephedrine, unless you provide written evidence from your medical professional that you have been prescribed the relevant medication;

- (l) you must, if directed to do so by a police officer, probation officer or prescribed officer, submit to a breath test, urine test, or other test, for the presence of an illicit drug;
- (m) you must maintain in operating condition an active mobile phone service, provide the contact details to Community Corrections and be accessible for contact through this device at all times.

This order comes into effect immediately, although you may not be fitted with the electronic monitoring device until Monday. You must understand that if you do not comply with the conditions, imprisonment is likely. If you breach the order by committing another offence, the order must be cancelled unless there are exceptional circumstances, and in that case imprisonment would be highly likely.